

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Valentina Concha-Toro	Team: Squad #15	CCRB Case #: 202105159	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/29/2021 7:00 AM	Location of Incident: Unknown location (possibly 46th Precinct stationhouse)	Precinct: 46	18 Mo. SOL 2/28/2023	EO SOL 2/28/2023	
Date/Time CV Reported Mon, 08/30/2021 10:44 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 08/30/2021 10:44 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. AC Kenneth Lehr	00000	891719	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.AC Kenneth Lehr	Off. Language: Kenneth Lehr made remarks to Individuals based upon race.	
B.AC Kenneth Lehr	Discourtesy: Kenneth Lehr gestured discourteously toward Individuals.	

Case Summary

On August 30, 2021, § 87(2)(b) submitted this complaint with the CCRB online.

In the morning of August 29, 2021, there was an NYPD press conference held in the Bronx. The press conference was in regard to a police shooting that had occurred earlier that morning. In attendance were multiple high ranking NYPD officials, including Chief Kenneth Lehr from Patrol Borough Bronx. § 87(2)(b) saw an article about the press conference and a photograph which captured Chief Lehr. During the press statement, Chief Lehr allegedly performed the “okay” hand sign which signifies white power (**Allegations A and B: Offensive Language and Discourtesy**, § 87(2)(g)).

A video of the press conference was obtained (Board Review 01)

Findings and Recommendations

Allegation (A) Offensive Language: Kenneth Lehr made remarks to Individuals based upon race.

Allegation (B) Discourtesy: Kenneth Lehr gestured discourteously toward Individuals.

It is undisputed that Chief Lehr participated in a press conference on August 29, 2021. Chief Lehr was standing behind and to the left of the speaker, Chief Juanita Holmes from the Patrol Service Bureau.

The video from the press conference (Board Review 01) shows Chief Lehr with his hands at his sides. Chief Lehr’s right-hand fingers are all curved inward forming a “c” shape. His left-hand fingers are in a similar position, all turning in toward each other, and his left pointer finger moves toward his thumb and away from it multiple time. His left-hand thumb and pointer finger do not appear to touch, and at no point do the three remaining fingers move from their curled position (Board Review 06).

§ 87(2)(b) stated (Board Review 02) that he was not present at the press conference. § 87(2)(b) saw the photograph in one of the articles and believed that Chief Lehr was performing the “okay” sign with his fingers during the press conference. § 87(2)(b) recognized that the position which Chief Lehr held his hand could possibly be interpreted as a sign of white power. § 87(2)(b) does not have any prior history with Chief Lehr.

According to the Anti-Defamation League’s (ADL) Hate on Display™ Hate Symbols Database (Board Review 07), the “okay” hand gesture was appropriated as a symbol meaning “white power” in 2017. The ADL advises that “caution must be used in evaluating instances of this symbol’s use.”

The investigation determined that based on the video of the press conference, the hand sign that Chief Lehr performed was not a distinctive “okay” sign. § 87(2)(b) did not have any prior history with Chief Lehr that would provide the investigation with any supporting indication that the gesture was racially charged. It was concluded that based on a preponderance of evidence that the movement of Chief Lehr’s hand was not an “okay” hand sign, and there is nothing to indicate that his fidget or gesture was a hate sign.

Chief Lehr retired from the NYPD on February 3, 2022. § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories


- § 87(2)(b)
[REDACTED]
[REDACTED]
- Chief Lehr has been a member-of-service for 34 years and has been a subject in six prior CCRB complaints and 44 allegations, of which one was substantiated:
 - 9700248 involved substantiated allegations of abuse of authority against Chief Lehr. There is no record of Board recommendation or NYPD penalty. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- On November 16, 2021, a Notice of Claim request to the New York City Office of the Comptroller was submitted. On November 23, 2021, a negative result was received (Board Review 05).

Squad: 15

Investigator:	<u>Valentina Concha-Toro</u>	<u>Inv. Valentina Concha-Toro</u>	<u>November 22, 2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u></u>	<u>IM Simon Wang</u>	<u>04/04/22</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date